



Brian Abbott Fish Barrier Removal Board – March 2023 Meeting Summary

Date: March 21, 2023

Time: 9:30 a.m. to 12:30 p.m.

Location: Virtual Meeting

Summary: Formal Actions/Decisions

Item	Formal Action
Meeting notes from February 21, 2023	Approved
Cost Increase Request for Beaver Creek	Approved
Adopt updated Bylaws	Approved

Summary: Follow-up Items and Next Steps

Item	Follow-up
Honorary Board Membership for Paul Wagner	The Board will consider making Paul Wagner, formerly WSDOT, an honorary non-voting member. This topic will be returned for a Board decision in May.
2023 Salmon Recovery Conference Presentation	GSRO sent Chair Jameson an updated PPT slide with the eight priorities from the Statewide Salmon Strategy for the Board’s presentation.

Welcome/Introductions/Agenda Review: Triangle Associates facilitator, Joy Juelson, called the meeting to order at 9:30 a.m. Chair Thomas Jameson, Washington Department of Fish and Wildlife (WDFW) welcomed attendees. Alex Sweetser, Triangle Associates, facilitated introductions with Board members and staff. A quorum was present.

Public Comment:

- Mike Reicher from The Seattle Times requested to attend the meeting. He attended virtually.
- Stephanie Sullivan, City of Sammamish, informed the Board that the Washington State Court of Appeals ruled the City has possession of the water in George Davis Creek and they can move forward with their project.

Old Business: The meeting notes for the FBRB February 2023 meeting were reviewed by the facilitator. A motion to approve the notes was made by Chair Jameson and seconded by Erik Neatherlin, Governor’s Salmon Recovery Office (GSRO). The motion was approved with no objections.

Decision: Board approved the February 2023 Meeting Notes.

Discussion on Federal Funding Opportunities

When reviewing the summary, Board members discussed the *Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT)* and the *National Culvert Removal, Replacement, and Restoration Grant Program (Culvert AOP)* funding opportunities. Both opportunities have strict federal funding requirements, which require project sponsors to obtain a right-of-way certification and a National Environmental Policy Act (NEPA) permit. Additionally, they must comply with domestic preference requirements and be able to advertise their project for construction within six weeks of funds being obligated. These requirements are time-consuming and difficult for sponsors to achieve.

Nine eligible sponsors on the FBRB's 2023-2025 project list are pursuing 2023 PROTECT funds and must meet the federal requirements by September 2023. The Board has suggested creating a Request for Proposals (RFP) for the remaining PROTECT funds. However, solicitations have been placed on hold until after the State Capital Budget is finalized in May or June 2023.

Senator Cantwell's office requested WDFW provide more information on why there were few applicants from Washington for Culvert AOP funding. WDFW provided information on the problems sponsors are facing, which stem from limited capacity to meet the federal requirements. NOAA's Restoring Fish Passage through Barrier Removal grant program, which has less stringent requirements, had better turnout from project sponsors.

General Updates

Statewide Fish Passage Barrier Removal Strategy Update

Chair Jameson and Jane Atha, WDFW, explained Cramer Fish Science (Cramer) and Triangle Associates (Triangle) were contracted by WDFW to help develop a Statewide Fish Passage Barrier Removal Strategy. Cramer is forming a science panel of volunteer scientists to inform Strategy development while Triangle is conducting outreach with Tribes and leadership from state agencies. A Tribal briefing for federally recognized Tribes is scheduled for March 22.

Board Questions and Discussions

- In response to a question from Erik Neatherlin, Jane and Chair Jameson noted they are working with WDFW's Tribal Liaison to conduct outreach with the state's 29 federally recognized Tribes and Tribes adjacent to WA. WDFW is offering one-on-one briefings with each Tribe in addition to the Tribal briefing.

Governor's Visit to Mill Creek Fish Passage Projects in Walla Walla, WA

John Foltz, Council of Regions, shared the Governor visit to see fish passage projects on Mill Creek in Walla Walla, WA. While the visit was quick, the Governor asked informed and technical questions about fish passage. Additionally, a representative from the Umatilla Tribe spoke about Tribal efforts to match FBRB and Salmon Recovery Funding Board funding.

- The following [local news clip and article](#) were shared with the Board.

Board Membership Updates

Paul Wagner, Honorary Board Membership

A Board member proposed to make Paul Wagner, formerly WSDOT, an honorary non-voting member. If approved this would be the first time the Board would have an honorary Board member. The intent of Paul Wagner's honorary membership would be to recognize him as an original Board member.

The Board discussed the following items related to this proposal:

- Based on the Board Bylaws, the Board felt honorary membership should be a non-voting position. Chair Jameson explained Dave Price, who was the previous Board Chair, remained on the board as a non-voting member.
- Karen Zirkle, Department of Natural Resources (DNR), suggested the Board be aware of stalemates in decision-making occurring from having an even number of voting members. Chair Jameson noted all Board votes have been unanimous except for one vote about a project where a member abstained because the project was in their region.
- Erik Neatherlin, GSRO, noted other Boards do not have honorary members. If the FBRB had one, they need limitations for the position. These could include limiting the number of honorary Board members the Board can have and/or have restrictions on their participation.
- Susan Eugenis, Washington State Association of Counties (Counties), suggested having a term limit, which other Board members were supportive of.
- The FBRB decided to postpone the decision to the next meeting in May since this decision may set a precedence.

Path Forward: The Board will continue to consider making Paul Wagner, formerly WSDOT, an honorary non-voting member. This topic will be returned for a Board decision in May 2023.

Notice of Dave Caudill's Retirement

Dave Caudill, Recreation and Conservation Office (RCO), will be retiring in May. Chair Jameson noted he is coordinating with Dave Caudill to present him with a gift and happy retirement at the May FBRB meeting.

Board Decision on FBRB Bylaws

In response to Board feedback, Joy Juelson explained that Triangle revised the Bylaws concerning membership attendance. In the current Bylaws, Board members who are not able to attend meetings may become ineligible for Board decision-making. Under this change, after a Board member returns, they will be eligible to vote at the subsequent meeting they attend. This will allow the Board member to take one meeting to become fully informed before voting again. Chair Jameson noted this is a minor change and the Board can vote to amend the Bylaws in the future.

Decision: A motion to approve the revised Bylaws was made by Chair Jameson and seconded by Susan Eugenis. The motion was approved with no objections.

Cost Increase Request: Beaver Creek

Chair Jameson explained a \$251,022 cost increase request for the Beaver Creek restoration project was submitted late last week. The Beaver Creek project is ranked #2 on the 2021-2023 project list. Cost increase requested above 10% or \$100,000 requires a Board decision and there was not enough time to convene the Cost Increase Subcommittee to consider this request.

Chair Jameson and Dave Caudill explained the project was submitted for grant funding by a project manager just before she retired. The new project manager noticed the project was missing key elements and the cursory budget was short. He immediately brought it to RCO and WDFW's attention to resolve the issue. Chair Jameson noted the Board has \$1.3 million available for 2021-2023 projects due to returned funds from projects completed under budget and funds returned from a project the sponsor removed from the FBRB's 2021-2023 project list.

Board Questions and Discussion

- In response to a question from Erik Neatherlin, GSRO, Dave noted the funding shortfall likely happened because the project was likely not fully assessed by the previous project manager before they retired.
- In response to a question from Susan Eugenis, Counties, on if the project will be ready for construction this summer, Casey Costello, WDFW, explained the sponsor proceeded with design and permitting. It should be lined up for construction this summer if it goes to bid in April 2023.
- John Foltz, Council of Regions, noted the new project manager notified the Board about the issue several months ago. This decision was postponed because funds were not available at the time.

Decision: A motion to approve the revised cost increase request to Beaver Creek was made by Chair Jameson and seconded by Susan Eugenis. The motion was approved with no objections.

2023-2025 Legislative Session Updates

Chair Jameson explained the Senate passed its proposed budget yesterday, which allocates \$48.4 million to Board projects to fund between projects list #29 and #30. This amount is slightly above the Governor's proposed budget. He noted the budget included WDFW's and RCO's administration rates below their request. Next, the House will submit their capital budget and the budgets will be reconciled.

Project and Policy Issues / Opportunities

George Davis Creek Update

At recent Board meetings, the Board was informed the George Davis Creek project from the City of Lake Sammamish was placed on hold pending a lawsuit. The Appeals Court ruled in favor of the city and the project can move forward.

Paying Forward Remaining 2021-2023 Funds

Following the approved cost increase request, Chair Jameson noted the Board has approximately \$1 million in returned funds. At the end of this biennium, RCO will advance remaining funds to alternates on the 2021-2023 project list.

Discuss Upcoming Opportunities for Engagement

FBRB Session at 2023 Salmon Recovery Conference

The FBRB was selected to have a 90-minute session at the 2023 Salmon Recovery Conference, which runs from April 18-19, 2023 in Vancouver, WA. There will be four presentations including an overview of the Board from Chair Jameson, a progress update on the state prioritization strategy from Jane Atha, a King County project overview from Evan Lewis, and a Kitsap County project overview from Britney Gordon for the Chico Creek project.

- Erik Neatherlin, GSRO, suggested Chair Jameson tie his presentation into the Governor’s Salmon Strategy, which includes fish passage priorities. He agreed to provide reference slides.
- Jeannie Abbott, GSRO, explained she is organizing the event. In-person registration is full and there will be an anticipated 720 participants at the conference.

Action Item: GSRO will send Chair Jameson, WDFW, an updated PowerPoint slide with the eight priorities from the Statewide Salmon Strategy.

Additional Items:

- Chair Jameson noted there was a short notice visit from Rep. Kim Schrier to the Granite Falls fishway due to redistricting.
- Erik Neatherlin shared the next Puget Sound Day on the Hill will be between May 8-11. Outreach at this annual event in Washington, D.C. focuses on federal funding opportunities and obstacles.
- Axel Swanson, Counties, shared the WA State Association of County Engineers Annual Conference will be in the last week of June 2023. He is coordinating with Chair Jameson on FBRB topics for the conference.

Adjourn: The meeting adjourned at approximately 12:30 p.m.

Next Meeting: Hybrid meeting on May 16, 2023

ATTENDANCE

Board Members/Alternates:

Axel Swanson, Washington State Association of Counties	Susan Eugenis, Washington State Association of Counties
Chair Thomas Jameson, Washington Department of Fish and Wildlife (WDFW)	Susan Kanzler, Washington State Department of Transportation (WSDOT)
Christy Rains, WDFW	Karen Zirkle, Department of Natural Resources (DNR)
Jeannie Abbott, Governor’s Salmon Recovery Office (GSRO)	Tim Resseguie, Yakima Nation
John Foltz, Council of Regions, Snake River Salmon Recovery Board (SRSRB)	

WDFW, RCO Staff and Triangle Facilitation Team:

Casey Costello, WDFW	Alice Rubin, Recreation and Conservation Office (RCO)
David Collins, WDFW	Dave Caudill, RCO
Gabrielle Stilwater, WDFW	Josh Lambert, RCO
Jane Atha, WDFW	Alex Sweetser, Facilitation Support
Julie Grobelny, WDFW	Joy Juelson, Facilitation Support
Gina Piazza, WDFW	

Others observing:

Bryan Maloney	Evan Lewis	Steve Helvey
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Cheryl Baumann	Heidi Reynolds	Steven Malloch
Daniel Howe	Joe Mentor	Tracy Gilson
Damiano Seghetti	Matthew Miskovic	Call-in Number (1)
Don Gourlie	Mike Reicher	